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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

RICHARD HUDSON, JR., and
ROY L. DAVY,

Plaintiffs,

v.

ASBURY AUTOMOTIVE GROUP L.L.C.,
a Delaware corporation, d/b/a
THOMASON AUTO GROUP, d/b/a
THOMASON TOYOTA,

Defendant.

Case No. 06 cv 427 BR

COMPLAINT AND DEMAND
FOR JURY TRIAL

(Race Discrimination and
Retaliation)

Plaintiffs allege:

I.

JURISDICTION AND VENUE

1. Plaintiffs bring this action for race discrimination and retaliation pursuant to 42 U.S.C. § 1981. This Court has jurisdiction over the federal claim pursuant to 42 U.S.C. § 1331.
2. All of the acts and omissions complained of herein were committed in the State of Oregon.

1 - COMPLAINT AND DEMAND FOR JURY TRIAL
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II.

PARTIES

3. Plaintiffs are a black males and are residents of the State of Oregon.
4. Defendant is a Delaware corporation. At all material times Defendant acted through its officers, agents and employees, acting within the scope of their agency and employment for said Defendant.

III.

STATEMENT OF CLAIMS

(CLAIM ONE)

(42 U.S.C. § 1981)

5. Plaintiffs reallege paragraphs 1 through 4.
6. Plaintiff Richard Hudson, Jr. ("Hudson") was employed by Defendant from October 10, 1998 to on or about November 30, 2005 when Defendant sold the dealership to a third party. Plaintiff Roy L. Davy ("Davy") was employed by Defendant from February 1988 to on or about November 30, 2005 when Defendant sold the dealership to a third party.
7. During Plaintiffs' employment Defendant subjected Plaintiffs to a course of racially discriminatory and/or retaliatory treatment in one or more of the following particulars:
 - (a) by creating and/or maintaining a hostile work environment and/or failing to take immediate and effective action designed to end racial harassment;
 - (b) by failing to train, control and/or supervise its employees not to engage in racially offensive behavior;

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- (c) by denying Plaintiffs promotional or other employment opportunities, including multiple occasions in which Plaintiff Hudson was passed over for promotion, and failing to recommend that Plaintiff Davy be retained by Defendant's successor as a Finance Manager;
- (d) by allowing racial discrimination in assignments, customer referrals, or credits for sales to prevail; and/or
- (e) by retaliating against Plaintiffs for opposing racial discrimination.

8. Defendant engaged in the treatment of Plaintiffs as alleged in paragraph 7 because of their race and/or because they complained about racial discrimination.

9. As a result of said acts Plaintiffs have suffered emotional distress all to their non-economic loss in the sum of \$500,000 each.

10. As a further result of said acts Plaintiffs have suffered economic loss in a sum to be proven at trial, which sum is alleged to be \$300,000 each.

11. Defendant's acts were malicious and/or reckless and Defendant should be assessed punitive damages in an amount to be set by a jury, which sum is alleged to be \$1,000,000 with respect to each Plaintiff.

12. Plaintiffs are entitled to reasonable attorneys' and expert witness fees pursuant to 42 U.S.C. § 1988.

IV.

DEMAND FOR JURY TRIAL

13. Plaintiffs demand a jury trial.

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WHEREFORE, Plaintiffs pray for judgment as alleged in each claim stated above.

DATED: March 28, 2006.

Respectfully submitted,

BUSSE & HUNT


RICHARD C. BUSSE, OSB #74050
Of Attorneys for Plaintiff Richard Hudson, Jr. and
Roy L. Davy

TRIAL ATTORNEY:
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P:\WPDOCS\DAVY-HUDSON\COMPLAINT

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